

SMT JUSTICE T. RAJANI

M.A.C.M.A. No.237 of 2008

JUDGMENT:

This appeal is preferred by the appellants, who are the claimants before the Court below, assailing the judgment of the I Additional District Judge, Vizianagaram in O.P. No.634 of 1998 dated 16.10.2007 on the ground of inadequacy of compensation.

2. Heard both the counsel.

3. Learned counsel for the appellants submits that the lower Court did not award adequate compensation under the heads of funeral expenses, loss of consortium and loss of love and affection to the appellants. Learned counsel does not press on the other grounds.

4. As can be seen from the judgment, the multiplier taken by the Court below was more than what is suitable for the age of the deceased. Hence, the learned counsel for the appellants confines his arguments only to the inadequacy of compensation under the above mentioned heads. Following the ruling of the Apex Court in *Rajesh vs Rajbir Singh*¹, Rs.25,000/- is to be awarded towards funeral expenses, Rs.1,00,000/- towards loss of consortium to 1st claimant. Rs.1,00,000/- is awarded towards love and affection

¹ 2013 ACJ 1403 (SC)

to the 2nd claimant. Hence, the total compensation stands enhanced by Rs.2,25,000/-.

5. Hence, in all, the claimants are entitled to an enhanced compensation of Rs.2,25,000/- and the rest of the award is left uninterfered with. This award shall relate back to the date of decree and the enhanced compensation awarded shall carry interest at the rate specified and from the time indicated in the award by the Court below.

6. The Civil Miscellaneous Appeal is partly allowed with proportionate costs. As a sequel, the miscellaneous applications, if any, shall stand closed.

Date:05.10.2017
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T. RAJANI, J